

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for Authority, Among Other Things, To Increase Revenue Requirements for Electric and Gas Service and to Increase Rates and Charges for Gas Service Effective on January 1, 2003.

(U 39 M)

Application 02-11-017
(Filed November 8, 2002)

Investigation on the Commission's Own Motion into the Rates, Operations, Practices, Service and Facilities of Pacific Gas and Electric Company.

Investigation 03-01-012
(Filed January 16, 2003)

Application of Pacific Gas and Electric Company Pursuant to Resolution E-3770 for Reimbursement of Costs Associated with Delay in Implementation of PG&E's New Customer Information System Caused by the 2002 20/20 Customer Rebate Program.

(U 39 E)

Application 02-09-005
(Filed September 6, 2002)

ORDER EXTENDING STATUTORY DEADLINE

Pub. Util. Code § 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of initiation unless the Commission makes findings why that deadline cannot be met and issues an order extending the deadline. The 12-month deadline for resolving this matter is May 25, 2006. An extension is necessary to reasonably accommodate completion of hearings, filing of briefs,

issuance of the presiding officer's decision (POD) and any ensuing appeal or request for review.

Background

On November 9, 2004, the Utility Reform Network (TURN) filed a motion for an investigation into the billing and collection practices of Pacific Gas and Electric Company (PG&E). TURN claimed that PG&E was failing to issue timely bills, backbilling customers for periods in excess of the three-month period permitted under Rule 17.1, and requiring customers to provide additional or excessive deposits to ensure continued service. By Assigned Commissioner's Ruling dated February 25, 2005, the Commission granted TURN's request for an investigation into PG&E's billing and collection practices, and determined that the investigation would be conducted as a second phase of Investigation (I.) 03-01-012, the companion to PG&E's Test Year 2003 general rate case. Phase II was recategorized as an adjudicatory matter in the Assigned Commissioner's Scoping Memo issued on May 26, 2005. Therefore, the statutory deadline for completing Phase II is May 26, 2006.

On July 15, 2005, PG&E and the Consumer Protection and Safety Division (CPSD) filed a Joint Motion for an extension of time to serve testimony, stating that PG&E had been unable to fully respond to many of CPSD's data requests in a timely manner. The Joint Motion stated that PG&E's business systems and other business records were not configured to provide much of the information sought by CPSD. The parties sought authorization to modify the schedule in this proceeding to allow for receipt of the delayed data responses, adequate time to review the responses, and time to propound additional data requests as necessary. On July 27, 2005, TURN filed a response in support of the Joint

Motion. An August 8, 2005 ruling granted the unopposed motion and rescheduled the dates for serving testimony and evidentiary hearings.

On December 16, 2005, CPSD requested a further extension of the testimony due date due to the fact that PG&E had not yet provided complete responses to certain pending data requests. A series of telephonic conferences followed on December 19, 2005, January 10, 2006, and January 20, 2006, during which the parties discussed the status of PG&E's responses to the outstanding data requests. At the January 20, 2006 telephone conference, PG&E confirmed that as of January 11, 2006, it had served CPSD with the requested discovery. Because of these events and the time elapsed between CPSD's submittal of certain data requests and PG&E's responses, the parties agreed to a further extension of time in this proceeding. The parties acknowledged that based on these events, good cause exists for the Commission to process this case in more than 12 months, if necessary.

Hearings are now scheduled for May 24, 2006 through June 6, 2006, and final opening and reply briefs are scheduled for July 7, 2006 and July 28, 2006, respectively. Phase II of this proceeding will be submitted upon receipt of reply briefs. A Presiding Officer's Decision will issue within 60 days of submittal, or by September 26, 2006.

Discussion

Because of the nearness of the approaching deadline, and the fact that the case has not yet concluded, this order is issued to provide the findings required by § 1701.2(d). This case cannot be concluded within 12 months of initiation. The Phase II hearings anticipated in the OII will not begin until the end of May and additional time is necessary for the preparation of briefs, a POD, and Commission consideration of any appeals or requests for review.

Accordingly, we find that the 12-month deadline for processing this case pursuant to Pub. Util. Code § 1701.2(d) cannot be met, and that an extension in the schedule will be required. An extension through February 26, 2007, should provide a reasonable allowance of time to conclude the proceeding.

Under Rule 77.7(f)(4) of the Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of draft decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, pursuant to Rule 77.7(f)(4), the otherwise applicable § 1701.2(d) statutory deadline for public review and comment is being waived.

Findings of Fact

1. By Scoping Memo dated May 26, 2005, Phase II of the proceeding was recategorized as adjudicatory.
2. The original schedule for this proceeding anticipated hearings in January 2006.
3. The Parties' joint requests for extensions of time to serve testimony were granted and hearings were reset for May 2006.
4. Based upon the 12-month statutory deadline, this proceeding must be resolved on or before May 25, 2006, unless this date is extended.
5. Under the current schedule, this proceeding cannot be resolved before the 12-month statutory deadline runs.
6. An extension through February 26, 2007, is necessary to allow time for completion of this proceeding.

Conclusion of Law

The 12-month deadline imposed by Pub. Util. Code § 1701.2(d) should be extended until February 26, 2007.

IT IS ORDERED that the 12-month statutory deadline in this proceeding is extended until February 26, 2007.

This order is effective today.

Dated _____, at San Francisco, California.